

United States District Court

DISTRICT OF GUAM
4TH FLOOR, U.S. COURTHOUSE
520 WEST SOLEDAD AVENUE
HAGÁTÑA, GUAM 96910

MARY L.M. MORAN
CLERK OF COURT

July 30, 2007

TEL: (671) 473-9100
FAX: (671) 473-9152

Mr. Galo L. Perez
Clerk of Court
U.S. District Court
for the Northern Mariana Islands
Second Floor, Horiguchi Building
P.O. Box 500687
Saipan, MP 96950

FILED
Clerk
District Court

AUG - 6 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

RECEIVED

AUG - 6 2007

Clerk
District Court
The Northern Mariana Islands

Re: District Court of Guam Criminal Case No. 01-00123
District Court for the Northern Mariana Islands Criminal Case No. 07-00023
USA vs. Kuo-Chung Wei

Dear Mr. Perez:

Our Court is in receipt of form PROB 22, Transfer of Jurisdiction and Order, accepting the transfer of the above-entitled matter.

Enclosed are certified copies of the following documents:

1. Indictment, filed December 6, 2001
2. Minute Entry re: Initial Appearance/Arraignment, filed December 10, 2001
3. Plea Agreement, filed January 28, 2002
4. Minute Entry re: Change of Plea, filed February 5, 2002
5. Minute Entry re: Sentencing filed January 16, 2003
6. Judgment in a Criminal Case, filed January 17, 2003
7. Petition for Warrant or Summons for Offender Under Supervision, filed on June 8, 2007
8. Minute Entry re: Petition for Revocation of Supervised Release, filed on June 27, 2007
9. Transfer of Jurisdiction, filed July 27, 2007
10. Docket Sheet

Please acknowledge receipt on the enclosed copy of this letter.

Sincerely,



Walter M. Tenorio
Deputy Clerk

Enclosures

FUGITIVE, INTERPRETER, TrJuris

**Civil/Criminal CM/ECF System
District Court of Guam (Hagatna)
CRIMINAL DOCKET FOR CASE #: 1:01-cr-00123 All Defendants**

Case title: USA v. Chao

Date Filed: 12/04/2001

Assigned to: Chief Judge Frances M.
Tydingco-Gatewood

Defendant

Jay K. Chao (1)
(001)

represented by **F. Randall Cunliffe**
Cunliffe and Cook, P.C.
Suite 200, 210 Archbishop F.C. Flores
Street
Hagatna, GU 96910
671-472-1824
Fax: 671-472-2422
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

IMPORTATION OF
METHAMPHETAMINE
HYDROCHLORIDE
(1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Chief Judge Frances M.
Tydingco-Gatewood

Defendant

Kuo-Chung Wei (2)
(002)
TERMINATED: 01/17/2003

represented by **Federal Public Defender**
Law Offices of Federal Public Defender

First Hawaiian Bank Building
400 Route 8, Suite 501
Mongmong, GU 96910
671-472-7111
Fax: 671-472-7120
Email: john_t_gorman@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Public Defender

Pending Counts

IMPORTATION OF
METHAMPHETAMINE
HYDROCHLORIDE
(1)

Disposition

DEFENDANT SENTENCED TO 46
MONTHS IMPRISONMENT (WITH
CREDIT FOR TIME SERVED).

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Karon Johnson**
Office of the U.S. Attorney
Suite 500, Sirena Plaza
108 Hernan Cortez Avenue
Hagatna, GU 96910
671-472-7332
Fax: 671-472-7334
Email: karon.johnson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/27/2007	<u>53</u>	Transfer of Jurisdiction and Order to Northern Mariana Islands as to Kuo-Chung Wei. (wmt,) (Entered: 07/27/2007)
07/12/2007	<u>52</u>	Transfer of Jurisdiction Issued to the District of Northern Mariana Islands as to Kuo-Chung Wei.(wmt,) (Entered: 07/12/2007)
07/11/2007	<u>51</u>	Order granting <u>50</u> Motion for Transfer of Jurisdiction as to Kuo-Chung Wei (2). Signed by Judge Frances M. Tydingco-Gatewood on 7/11/2007. (wmt,) (Entered: 07/12/2007)
07/11/2007	<u>50</u>	Motion for Transfer of Jurisdiction as to Kuo-Chung Wei (Attachments: # <u>1</u> Transfer of Jurisdiction) (JTT, USPO) (Entered: 07/11/2007)
06/27/2007	<u>49</u>	Appointment Order. Appointment of Federal Public Defender for Kuo-Chung Wei <i>nunc pro tunc</i> to 6/11/2007. Signed by Judge Joaquin V.E. Manibusan Jr. on 6/27/2007. (mba,) (Entered: 06/27/2007)
06/27/2007	<u>48</u>	Minute Entry for proceedings held before Judge Joaquin V.E. Manibusan Jr.:Continued Hearing on Petition for Revocation of Supervised Release as to Kuo-Chung Wei held on 6/27/2007. Federal Public Defender appointed. Court continued the matter indefinitely to allow probation the opportunity to request a transfer of jurisdiction to the District Court of the Northern Mariana Islands. (Court Recorder: Virginia Kilgore.)(Start Time: 2:35:43, End Time: 2:45:09.) (mba,) (Entered: 06/27/2007)
06/19/2007	<u>47</u>	Summons Returned Executed on 6/13/2007 as to Kuo-Chung Wei. (wmt,) (Entered: 06/22/2007)
06/11/2007	<u>46</u>	Summons Issued as to Kuo-Chung Wei. Initial Appearance set for 6/27/2007 at 02:00 PM in 3rd Floor Courtroom before Magistrate Judge Joaquin V.E. Manibusan Jr.(wmt,) (Entered: 06/11/2007)
06/11/2007	<u>45</u>	Order granting <u>44</u> Petition for Summons for Offender Under Supervised Release as to Kuo-Chung Wei (2). Signed by Judge Joaquin V.E. Manibusan Jr. on 6/11/2007. (wmt,) (Entered: 06/11/2007)
06/08/2007	<u>44</u>	Petition for Revocation/Modification of Supervised Release, Petition for Summons for Offender Under Supervised Release as to Kuo-Chung Wei (Attachments: # <u>1</u> Violation Worksheet # <u>2</u> Declaration in Support) (JTT, USPO) (Entered: 06/08/2007)
02/14/2007	<u>43</u>	** SEALED Document Pursuant to E-Government Act of 2002 ** Arrest Warrant Returned Unexecuted as to Jay K. Chao. Warrant for Arrest vacated per court order re <u>41</u> Order to Vacate Arrest Warrant issued on 10/27/2003. (mba,) (Entered: 02/14/2007)
10/19/2006	<u>42</u>	Petition for Action on Conditions of Pretrial Release and Order as to Jay K. Chao. The Court orders the issuance of a warrant. Signed by Judge John C. Coughenour on 10/11/2006. (lth,) **Modified on 10/23/2006 to edit docket text (vtk,)** (Entered: 10/20/2006)

10/19/2006	41	Order to Vacate Arrest Warrant issued on 10/27/2003 as to Jay K. Chao. Signed by Judge Larry A. Burns on 10/19/2006. (vtk,) (Entered: 10/19/2006)
10/28/2003	40	ORDER - IT IS HEREBY ORD that t/sent & PSR is vacated; [MBA EOD 10/28/2003] (ORIGINAL GCMS ENTRY 39-1) (cnv) (Entered: 10/28/2003)
10/27/2003	39	PETITION for Act on Conds of P/T Rel - W/A issd; Applies to: DFT Chao, Jay K. (001) [MBA EOD 10/27/2003] (ORIGINAL GCMS ENTRY 38-1) (cnv) (Entered: 10/27/2003)
07/22/2003	38	ORDER - Sent set 10/29/03 - 1:30 p.m. PSR due 09/24/03; Applies to: DFT Chao, Jay K. (001) [MBA EOD 07/22/2003] (ORIGINAL GCMS ENTRY 37-1) (cnv) (Entered: 07/22/2003)
05/28/2003	37	STIPULATION & Ord to Vacate Status Hrg, Unseal Rec & Set Sent - Sent set for 08/27/03 - 1:30 p.m. PSR due 07/23/03 (Duplicate original - one filed on same day); Applies to: DFT Chao, Jay K. (001) [MBA EOD 05/28/2003] (ORIGINAL GCMS ENTRY 36-1) (cnv) (Entered: 05/28/2003)
05/28/2003	36	STIPULATION of Parties to Vacate Status Hrg; Unseal Rec & Set Sent Date - Sent set for 08/27/03 - 1:30 p.m. PSR due 07/23/03; Applies to: DFT Chao, Jay K. (001) [MBA EOD 05/28/2003] (ORIGINAL GCMS ENTRY 35-1) (cnv) (Entered: 05/28/2003)
02/25/2003	35	STIPULATION & Ord to Cont Status Hrg - Status Hrg cont'd to 05/27/03 - 2:30 p.m.; Applies to: DFT Chao, Jay K. (001) [MBA EOD 02/25/2003] (ORIGINAL GCMS ENTRY 34-1) (cnv) (Entered: 02/25/2003)
01/17/2003	34	JUDGMENT in a Cr Cs; Applies to: DFT Wei, Kuo-chung (002) [MBA EOD 01/21/2003] (ORIGINAL GCMS ENTRY 33-1) (cnv) (Entered: 01/17/2003)
01/16/2003	33	MINUTE ENTRY - Sentencing (01/15/03) - Crt claries w/parties that the case has been unsealed. Deft sent to 46 mos. impris (w/credit for time served); 5 yrs. suprvd rel; 400 hrs. community svcs; fine waived; \$100 SA. Deft rem to cust of USMS; Applies to: DFT Wei, Kuo-chung (002) [MBA EOD 01/17/2003] (ORIGINAL GCMS ENTRY 32-1) (cnv) (Entered: 01/16/2003)
12/20/2002	32	ORDER - Due to the effects of Supertyphoon Pongsona, all hrgs from 12/08/02 thru 12/20/02 have been vacated. Sent will be held 01/15/03 - 1:30 p.m. (Deft Kuo Chung Wei); [MBA EOD 12/20/2002] (ORIGINAL GCMS ENTRY 31-1) (cnv) (Entered: 12/20/2002)
11/29/2002	31	RESPONSE to Draft PSR; Cert of Svc; Filed by: DFT Sealed (002) [RMM EOD 11/29/2002] (ORIGINAL GCMS ENTRY 30-1) (cnv) (Entered: 11/29/2002)
11/25/2002	30	STIPULATION & Ord to Cont Status Hrg - Status Hrg cont'd to 02/25/03 - 2:30 p.m. (Deft Chao); [MBA EOD 11/25/2002] (ORIGINAL

		GCMS ENTRY 29-1) (cnv) (Entered: 11/25/2002)
11/19/2002	29	GOVERNMENT'S Statement Adopting Findings of PSR; Applies to: DFT Sealed (002) [MBA EOD 11/19/2002] (ORIGINAL GCMS ENTRY 28-1) (cnv) (Entered: 11/19/2002)
08/22/2002	28	STIPULATION of Parties to Vacate Status Hearing; Unseal Record and Set Sentencing Date - Sentencing set for 12/20/02 @ 9:30 a.m. & PSR due 11/15/02; Applies to: GOVPTF U.s.a., DFT Sealed (002) [PTC EOD 08/22/2002] (ORIGINAL GCMS ENTRY 27-1) (cnv) (Entered: 08/22/2002)
07/26/2002	27	STIPULATION & Ord to Cont Status Hrg - Status Hrg cont'd to 11/14/02 - 2:30 p.m. (Deft Chao); [MBA EOD 07/29/2002] (ORIGINAL GCMS ENTRY 26-1) (cnv) (Entered: 07/26/2002)
06/03/2002	26	STIPULATION and Order to Allow Travel to Taiwan.; Filed by: GOVPTF U.S.A. Applies to: DFT Chao, Jay K. (001) [MBA EOD 06/04/2002] (ORIGINAL GCMS ENTRY 25-1) (cnv) (Entered: 06/03/2002)
05/14/2002	25	STIPULATION of Parties to Cont Status Hrg & Ord - Status Hrg cont'd to 08/20/02 - 2:30 p.m.; [MBA EOD 05/14/2002] (ORIGINAL GCMS ENTRY 24-1) (cnv) (Entered: 05/14/2002)
05/08/2002	24	STIPULATION of Parties to Cont Status Hrg & Ord - Status Hrg cont'd to 08/15/02 - 2:30 p.m.; Applies to: DFT Sealed (001) [MBA EOD 05/08/2002] (ORIGINAL GCMS ENTRY 23-1) (cnv) (Entered: 05/08/2002)
04/15/2002	23	MODIFIED Ord Setting Conds of Rel; [MBA EOD 04/15/2002] (ORIGINAL GCMS ENTRY 22-1) (cnv) (Entered: 04/15/2002)
02/05/2002	22	MINUTE ENTRY - Change of Plea - deft enters plea of guilty. Status hrg sched for 5/15/02 at 2:30 pm; [PTC EOD 02/06/2002] (ORIGINAL GCMS ENTRY 21-1) (cnv) (Entered: 02/05/2002)
02/04/2002	20	ORDER - change of plea sched for 2/4/02 is now mvd to 2/5/02 at 9:30 a.m.; [PTC EOD 02/04/2002] (ORIGINAL GCMS ENTRY 19-1) (cnv) (Entered: 02/04/2002)
01/28/2002	21	PLEA Plea agreement - hrg set for 2/6/02 at 9:30 a.m.; [PTC EOD 02/05/2002] (ORIGINAL GCMS ENTRY 20-1) (cnv) (Entered: 01/28/2002)
01/18/2002	19	ORDER - rel cond(s) amd for deft to be placed under joint suprvn of USPO & DEA while case is sealed. When case unsealed, supvd will be solely under USPO; [PTC EOD 01/22/2002] (ORIGINAL GCMS ENTRY 18-1) (cnv) (Entered: 01/18/2002)
01/10/2002	18	ORDER Setting Conds of Rel (Deft Chao); [MBA EOD 01/10/2002] (ORIGINAL GCMS ENTRY 17-1) (cnv) (Entered: 01/10/2002)
01/10/2002	17	MINUTE ENTRY - Change of Plea - Deft enters plea of Guilty. Status

		Hrg set for 05/08/02 - 2:30 p.m. Deft to be rel on bond; [MBA EOD 01/10/2002] (ORIGINAL GCMS ENTRY 16-1) (cnv) (Entered: 01/10/2002)
01/08/2002	16	PLEA Agreement (Deft Chao); [MBA EOD 01/08/2002] (ORIGINAL GCMS ENTRY 15-1) (cnv) (Entered: 01/08/2002)
12/28/2001	15	RETURN of Sumns in a Cr Cs - Exec 12/10/01 (Deft Wei); [MBA EOD 12/28/2001] (ORIGINAL GCMS ENTRY 14-1) (cnv) (Entered: 12/28/2001)
12/28/2001	14	RETURN of Sumns in a Cr Cs - Exec 12/10/01 (Deft Chao); [MBA EOD 12/28/2001] (ORIGINAL GCMS ENTRY 13-1) (cnv) (Entered: 12/28/2001)
12/12/2001	13	ENTRY of Appearance - Richard P. Arens hereby enters its appearance as retained cnsl for deft Jay K. Chao; [MBA EOD 12/12/2001] (ORIGINAL GCMS ENTRY 12-1) (cnv) (Entered: 12/12/2001)
12/10/2001	12	ORDER - Trial set for 02/05/02 - 9:30 a.m. P/T mtns due NLT 12/28/01 & hrd 01/18/02 - 1:30 p.m. Trial docs due NLT 01/29/02; [MBA EOD 12/10/2001] (ORIGINAL GCMS ENTRY 11-1) (cnv) (Entered: 12/10/2001)
12/10/2001	11	MINUTE ENTRY - Arraignment - Deft enters plea of Not Guilty. Trial set for 02/05/02 - 9:30 a.m. Deft rem to cust of USMS for detention, Mr. Arens has been retained as atty for deft Chao; Applies to: DFT Sealed (001), DFT Sealed (002) [MBA EOD 12/10/2001] (ORIGINAL GCMS ENTRY 10-1) (cnv) (Entered: 12/10/2001)
12/10/2001	10	AMENDED Ord - Richard Arens apptd to rep deft Jay K. Chao; Federal Public Defender apptd to rep deft Kuo-Chung Wei nunc pro tunc to 12/03/01. Prelim Exam set for 12/12/01 - 2:30 p.m.; [MBA EOD 12/10/2001] (ORIGINAL GCMS ENTRY 9-1) (cnv) (Entered: 12/10/2001)
12/06/2001	9	INDICTMENT - Sumns issd. Hrg set for 12/10/01 - 9:30 a.m.; [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 8-1) (cnv) (Entered: 12/06/2001)
12/04/2001	8	MINUTE ENTRY - Initial Appearance re Complaint - Apptmt ord issd. Prelim Exam set for 12/12/01 - 2:30 p.m. Defts rem to cust of USMS; [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 7-1) (cnv) (Entered: 12/04/2001)
12/04/2001	7	ORDER of Detention Pending Trial (Deft Wei); [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 6-1) (cnv) (Entered: 12/04/2001)
12/04/2001	6	ORDER of Detention Pending Trial (Deft Chao); [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 5-1) (cnv) (Entered: 12/04/2001)
12/04/2001	5	ORDER - Federal Public Defender apptd to rep Deft Jay K. Chao;


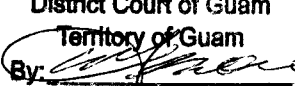
		Richard Arens apptd to rep Deft Kuo-Chung Wei. Prelim Exam set for 12/12/01 - 2:30 p.m. Note: Amended Ord to follow; [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 4-1) (cnv) (Entered: 12/04/2001)
12/04/2001	4	FINANCIAL Affdvt (Deft Wei); [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 3-1) (cnv) (Entered: 12/04/2001)
12/04/2001	3	FINANCIAL Affdvt (Deft Chao); [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 2-1) (cnv) (Entered: 12/04/2001)
12/04/2001	2	APPLICATION & Ord to Seal Rec; [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 1A-1) (cnv) (Entered: 12/04/2001)
12/04/2001	1	COMPLAINT [MBA EOD 12/06/2001] (ORIGINAL GCMS ENTRY 1-1) (cnv) (Entered: 12/04/2001)

PACER Service Center			
Transaction Receipt			
07/30/2007 09:27:09			
PACER Login:	us7915	Client Code:	
Description:	Docket Report	Search Criteria:	1:01-cr-00123
Billable Pages:	3	Cost:	0.24

I hereby certify that the
annexed instrument is a
true copy of the original
on file in my office.

ATTEST: CLERK OF COURT
District Court of Guam
Territory of Guam

By: 
Deputy Clerk

*PROB 22 (Rev. 2/88)		DOCKET NUMBER (Trans. Court) GUAM CR 01-00123-002	
TRANSFER OF JURISDICTION		DOCKET NUMBER (Rec. Court) CR 07-00023	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE Kuo-Chung Wei c/o U.S. Probation Office District of the Northern Mariana Islands Horiguchi Building Room 4D Saipan, MP 96950	DISTRICT 0993 Guam	DIVISION	
	NAME OF SENTENCING JUDGE Honorable John S. Unpingco		
	DATES OF SUPERVISED RELEASE	FROM April 4, 2005	TO April 3, 2010
OFFENSE Importation of Methamphetamine Hydrochloride in violation of Title 21, United States Codes, 846 & Title 18, United States Code, Section 2.			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE _____ DISTRICT OF GUAM			
IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. 3605, the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the Northern Mariana Islands upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*			
		/s/ Frances M. Tydingco-Gatewood Chief Judge Dated: Jul 11, 2007	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE _____ DISTRICT OF Northern Mariana Islands			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
FILED DISTRICT COURT OF GUAM		Alex R. Munson United States District Judge	
JUL 19 2007 Effective Date		JUL 27 2007 MARY L.M. MORAN CLERK OF COURT	
I hereby certify that the annexed instrument is a true copy of the original on file in my office. ATTEST: CLERK OF COURT District Court of Guam Territory of Guam By:  Deputy Clerk			

CHAO.Ind

FREDERICK A. BLACK
United States Attorney
KARON V. JOHNSON
Assistant U.S. Attorney
Suite 500, Sirena Plaza
108 Hernan Cortez
Hagåtña, Guam 96910-5113
TEL: (671) 472-7332
FAX: (671) 472-7334

FILED
DISTRICT COURT OF GUAM

DEC - 6 2001

MARY L. MCGRAW
CLERK OF COURT

Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAY K. CHAO and,
KUO-CHUNG WEI,

Defendants.

CRIMINAL CASE NO. 01-00123

INDICTMENT

IMPORTATION OF
METHAMPHETAMINE HYDROCHLORIDE
[21 U.S.C. §§ 846 & 952]

THE GRAND JURY CHARGES THAT:

Beginning on or about October 21, 2001, the exact date being unknown, and continuing through December 2, 2001, in the District of Guam and elsewhere, the defendants herein, JAY K. CHAO and KUO-CHUNG WEI,, did unlawfully and knowingly import into the United States from a place outside thereof, approximately 1,000 grams net weight of methamphetamine hydrochloride (ice), a Schedule II controlled substance, in violation of Title 21, United States Code, § 952, and Title 18, United States Code, § 2.

Dated this 5th day of December, 2001.

A TRUE BILL.

Concepcion B. Rivera
CONCEPCION B. RIVERA
Foreperson

FREDERICK A. BLACK
United States Attorney
Districts of Guam and NMI

By:

Karon V. Johnson
Karon V. Johnson
Assistant U.S. Attorney

I hereby certify that the
annexed instrument is a
true copy of the original
on file in my office.

ATTEST: CLERK OF COURT
District Court of Guam
Territory of Guam

By: *[Signature]*
Deputy Clerk

ORIGINAL

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES

FILED
DISTRICT COURT OF GUAM

DEC 10 2001

10

DATE: 6-10-2001 TIME: 9:44am CASE NO. 01-00123

CLERK OF COURT

☒ SEALED ☐ UNSEALED

HON. JOHN S. UNPINGCO, Chief Judge, Presiding

PATRICIA T. CRUZ, Courtroom Deputy/

MCDONALD, E/HATTORI/KIPPEN, Law Clerk

WANDA M. MILES, Court Reporter

ECR - Tape No. QUINATA TORRES/MCDONALD/TAIJERON/PEREDA/CAMACHO/IZAMA/EDROSA, Court Security
Designated Judge ☐ District Court (Visiting Judge) ☐ Superior Court

***** (44) (37) ***** APPEARANCES *****

DEFT JAY Y. CHAO / KUD. Chung - Wei ATTY Richard Akers / J. BASIL D'AMALLA

☒ PRESENT ☒ CUSTODY ☐ BOND ☐ P.R. ☒ PRESENT ☒ RETAINED ☒ FPD ☐ CJA APPOINTED

(If more than one defendant, see attached)

U.S. ATTORNEY: KACOR V. Johnson AGENT: Richard Akers, DEA

U.S. PROBATION: Grace Damiano / L. OLEAS U.S. MARSHAL: K. LUMAGUI

INTERPRETER: Mimi Claudio ☐ SWORN LANGUAGE: Tagalog
☒ PREVIOUSLY SWORN

PROCEEDINGS: ☐ COMPLAINT ☐ WAIVER OF INDICTMENT/INFORMATION ☐ INDICTMENT

☐ INITIAL APPEARANCE ☒ ARRAIGNMENT ☐ PLEA [change of]

☐ COMPLAINT/INFORMATION/INDICTMENT READ TO DEFENDANT

☒ FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: _____, ATTORNEY APPOINTED

☒ DEFENDANT SWORN AND EXAMINED AGE: _____ HIGH SCHOOL COMPLETED: _____

☒ DEFENDANT ARRAIGNED ADVISED OF RIGHTS, CHARGES AND PENALTIES

☐ REMOVAL/IDENTITY HEARING ☐ CONDUCTED ☐ WAIVED ☐ SET FOR: _____ at _____

☐ WARRANT OF REMOVAL ISSUED

☐ GOV'T SUMMARIZES THE EVIDENCE ☐ GOV'T SUBMITS TO THE PLEA AGREEMENT

☒ COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA

☐ DEFENDANT WAIVES READING OF ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT

☐ PLEA ENTERED: ☐ GUILTY ☒ NOT GUILTY - TO: _____

☐ COUNT(S) _____ DISMISSED ON GOVERNMENT'S MOTION

☐ PLEA AGREEMENT FILED: _____ PLEA: ☒ ACCEPTED ☐ REJECTED

☐ COURT ORDERS PLEA AGREEMENT SEALED

☐ COURT REJECTS PLEA AGREEMENT AND REFERS IT TO: _____ FOR RECOMMENDATION.

☐ SENTENCING DATE: _____ at _____ ☐ STATUS HEARING: _____ at _____

☐ PRESENTENCE REPORT ORDERED AND DUE: _____

☐ PRELIMINARY EXAMINATION SET FOR: _____ at _____

☐ ARRAIGNMENT SET FOR _____ at _____

☒ TRIAL SET FOR January 5, 2002 at 9:30am

PROCEEDINGS CONTINUED TO: _____ at _____

☐ DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)

☒ DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR ☐ PROCESSING ☒ DETENTION

☐ DETENTION HEARING REQUESTED BY GOV'T DEFT IS SET FOR: _____ at _____

☐ DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

NOTES: Mr. Akers has been retained as of this weekend.

COURTROOM DEPUTY:
L:\docs\MINUTES.IAP

Time: 9:50 Am Pm

CASE NO. _____ DEFENDANT: _____

() PERSONAL RECOGNIZANCE BOND () UNSECURED BOND \$ _____
 () CASH BOND \$ _____
 () SURETY (COLLATERAL) BOND _____

() DEFENDANT SHALL APPEAR ON _____ at _____

DEFENDANT RELEASED TO THIRD PARTY CUSTODY OF:

NAME: _____ PHONE NO. _____

Address: _____

() ELECTRONIC HOME MONITORING () DEFENDANT TO PAY FOR MONITORING (\$ _____) per day

***** RELEASE CONDITIONS *****

THE DEFENDANT IS RELEASED ON THE FOLLOWING CONDITIONS:

() MUST REMAIN AT CUSTODIAN'S RESIDENCE BETWEEN THE HOURS OF _____ and _____
 () MUST NOT LEAVE THE TERRITORY OF GUAM WITHOUT THE PRIOR PERMISSION OF THE COURT OR THE U.S. PROBATION OFFICE
 () MUST MAINTAIN OR ACTIVELY SEEK EMPLOYMENT
 () MUST MAINTAIN OR COMMENCE AN EDUCATIONAL PROGRAM () OBTAIN G.E.D.
 () MUST ABIDE BY THE FOLLOWING RESTRICTIONS ON HIS/HER PERSONAL ASSOCIATIONS, PLACE OF ABODE, OR TRAVEL: _____

() MUST STAY AWAY FROM ALL PORTS OF ENTRY AND EXIT
 () MUST COMPLY WITH THE FOLLOWING CURFEW: _____

() MUST AVOID ALL CONTACT WITH THE FOLLOWING NAMED PERSONS, WHO ARE CONSIDERED CO-DEFENDANTS OR ALLEGED VICTIMS OR POTENTIAL WITNESSES: _____

() MUST REPORT ON A REGULAR BASIS TO THE FOLLOWING AGENCY: () AS DIRECTED / PHONE: _____
 () DEA () ATF () FBI () NCIS () NIS () U.S. CUSTOMS () U.S. PROBATION () U.S. IMMIGRATION
 BETWEEN THE HOURS OF _____ and _____ EVERY MON., TUES., WEDS., THURS. and FRI.

() MUST REFRAIN FROM POSSESSING A FIREARM, DESTRUCTIVE DEVICE, OR OTHER DANGEROUS WEAPON
 () MUST REFRAIN FROM () ANY () EXCESSIVE USE OF ALCOHOL, AND ANY USE OR UNLAWFUL POSSESSION OF A NARCOTIC DRUG AND OTHER CONTROLLED SUBSTANCES UNLESS PRESCRIBED BY A LICENSED MEDICAL PRACTITIONER

() MUST UNDERGO MEDICAL, PSYCHIATRIC, SUBSTANCE ABUSE OR DRUG TREATMENT AT THE DIRECTION OF _____

() MUST EXECUTE A BOND OR AN AGREEMENT TO FORFEIT THE FOLLOWING SUM OF MONEY OR DESIGNATED PROPERTY UPON FAILURE TO APPEAR ON _____

() MUST POST WITH THE COURT THE FOLLOWING INDICIA OF OWNERSHIP OF THE ABOVE-DESCRIBED PROPERTY (COLLATERAL) OR THE FOLLOWING AMOUNT OR PERCENTAGE OF THE DESCRIBED MONEY: _____

() MUST EXECUTE A BAIL BOND IN THE AMOUNT OF \$ _____

() MUST SURRENDER ANY FIREARMS I.D. TO THE CLERK OF COURT OR TO _____

() MUST SURRENDER ANY PASSPORT TO THE CLERK OF COURT FOR THE DISTRICT COURT OF GUAM OR TO _____

() MUST NOT OBTAIN A PASSPORT

() MUST SUBMIT TO A RANDOM URINALYSIS TESTING AS REQUIRED BY THE U.S. PROBATION OFFICE

() MUST SUBMIT TO SUBSTANCE ABUSE TESTING AS REQUIRED BY _____

() MUST ABIDE BY ALL PRETRIAL RELEASE CONDITIONS AS INSTRUCTED BY THE PROBATION OFFICE

() MUST NOT INCUR ANY NEW FINANCIAL DEBTS/OBLIGATIONS/LOANS W/OUT PRIOR PERMISSION OF THIS COURT
 () UPON THE UNSEALING OF THIS CASE, SUPERVISION WILL BE TURNED OVER TO THE U.S. PROBATION OFFICE

() _____

() _____

() _____

() _____

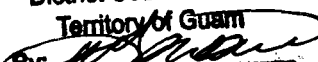
() _____

() _____

I hereby certify that the
 annexed instrument is a
 true copy of the original
 on file in my office.

ATTEST: CLERK OF COURT
 District Court of Guam

Territory of Guam

By: 
 Deputy Clerk

KWei.ple

FREDERICK A. BLACK

United States Attorney

KARON V. JOHNSON

Assistant U.S. Attorney

Suite 500, Sirena Plaza

108 Herman Cortez Avenue

Agana, Guam 96910

Telephone: (671) 472-7332/7283

Telecopier: (671) 472-7334

Attorneys for United States of America

FILED
DISTRICT COURT OF GUAM

JAN 28 2002

CLERK OF COURT

2:10 P.M.

IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

CRIMINAL CASE NO. 01-00123

Plaintiff,

vs.

PLEA AGREEMENT

KUO-CHUNG WEI,

Defendant.

Pursuant to Rule 11(e)(1)(B), the United States and the defendant, KUO-CHUNG WEI, enter into the following plea agreement:

1. The defendant agrees to enter a guilty plea to an Indictment charging him with Importation of Methamphetamine Hydrochloride (ice) in violation of Title 21, United States Code, § 952.

2(a) The defendant, KUO-CHUNG WEI, further agrees to fully and truthfully cooperate with Federal law enforcement agents concerning their investigation of the importation and distribution of illegal controlled substances on Guam and related unlawful activities. He agrees to testify fully and truthfully before any grand juries and at any trials or proceedings if called as a

ORIGINAL

1 witness, subject to prosecution for perjury for not testifying truthfully. The United States will
2 make this cooperation known to the Court prior to the defendant's sentencing. The defendant
3 further understands that he remains liable and subject to prosecution for any criminal schemes of
4 which he does not fully advise the United States, or for any material omissions in this regard.
5

6 2(b) Except as otherwise herein provided, the United States agrees not to prosecute
7 defendant for any other non-violent offenses which were committed in the District of Guam or
8 the Northern Marianas Islands (CNMI) which defendant reveals to Federal authorities during his
9 cooperation with the United States. This agreement is limited to crimes committed by defendant
10 in the districts of Guam or the CNMI.
11

12 3. The defendant, KUO-CHUNG WEI, understands and agrees that any and all assets or
13 portions thereof acquired or obtained by him as a direct or indirect result of his illegal drug
14 trafficking shall be surrendered to the United States or any lawful agency as may be directed by
15 the Court.
16

17 4. The defendant, KUO-CHUNG WEI, further agrees to submit to a polygraph
18 examination by any qualified Federal polygraph examiner. The defendant understands that such
19 polygraph examinations may include, but will not be limited to, his knowledge of or involvement
20 in illegal drug trafficking and his knowledge of others' involvement in such activities. Defendant
21 understands that the government will rely on the polygraph in assessing whether he has been
22 fully truthful.
23

24 5(a) The defendant, KUO-CHUNG WEI, understands that the maximum sentence for
25 importation of approximately 1,000 grams of methamphetamine hydrochloride (ice) is a term of
26 life imprisonment, with a mandatory minimum term of ten (10) years incarceration, a \$4,000,000
27

1 fine, and a \$100 special assessment fee, which must be paid at the time of sentencing. Any
2 sentence imposed shall include a term of supervised release of at least five (5) years in addition
3 to such terms of imprisonment. Defendant understands that, if at any time while he is on
4 supervised release he violates one of its conditions, his supervised release may be revoked and he
5 may be subject to an additional term of imprisonment. If defendant cooperates as set forth in
6 Paragraphs 2, 3, and 4 the government will recommend that defendant receive the statutory
7 minimum or the minimum term of incarceration recommended by the Sentencing Guidelines,
8 whichever is greater.
9

10
11 5(b) In addition, if defendant provides full, truthful, and substantial assistance to
12 investigating federal agencies, the government will move the Court, as provided by 18 U.S.C. §
13 3553(e) and USSG 5K1.1, for a downward departure from the statutory minimum and the
14 Guidelines. Defendant understands that “substantial assistance” encompasses such significant
15 and useful assistance directed to the investigation and prosecution of the criminal activities of
16 other persons, as is set forth by USSG 5K1.1. Defendant also understands the decision whether
17 to depart from the guidelines and to what degree, is within the sole discretion of the sentencing
18 judge. The government agrees not to take a position concerning the amount of incarceration the
19 court should impose. If defendant does not fully cooperate as set forth in Paragraphs 2, 3, and 4,
20 the government will recommend whatever sentence of incarceration within the statutory and
21 Guidelines range it may deem appropriate.
22

23
24 5(c) Defendant agrees to pay in full the amount of the special assessment, \$100, at the
25 time he enters his guilty plea. The government will recommend a fine within the Sentencing
26 Guidelines range. If defendant is financially unable to immediately pay the fine in full, defendant
27

1 agrees to make a full disclosure of his financial status to the United States Attorney's Office by
2 completing a Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment
3 schedule. Defendant understands that, by law, interest accrues on any remaining balance of the
4 debt.
5

6 6. The defendant understands that to establish a violation of Importation of
7 methamphetamine hydrochloride as charged pursuant to 21 U.S.C. § 952 and 18 U.S.C. § 2, the
8 government must prove each of the following elements beyond a reasonable doubt:
9

10 First: the defendant knowingly brought methamphetamine hydrochloride also known as
11 ice, into the United States;

12 Second: the defendant knew it was methamphetamine hydrochloride or some other
13 prohibited drug; and

14 Third: the quantity of methamphetamine hydrochloride (ice) was approximately 1,000
15 grams net weight.

16 7. The defendant understands that the Sentencing Guidelines apply to this offense. The
17 defendant also understands that the facts he stipulates to herein will be used, pursuant to 1B1.2,
18 in calculating the applicable guidelines level, even though the counts underlying this conduct
19 may be dismissed. The Government and the defendant stipulate to the following facts for
20 purposes of the Sentencing Guidelines:

21 (a) The defendant was born July 10, 1965, and is a citizen of Taiwan.

22 (b) If the defendant cooperates with the United States by providing information
23 concerning the unlawful activities of others, the government agrees that any self-incriminating
24 information so provided will not be used against defendant in assessing his punishment, and
25 therefore, pursuant to § 1B1.3 of the Sentencing Guidelines, this information should not be used
26 in determining the applicable guidelines range.
27

1
2 (c) Defendant was contacted by a person in Taiwan and asked to smuggle illegal drugs
3 into Guam. Defendant agreed to make the trip for \$3,000 U.S. Defendant booked a flight to
4 Guam for November 28, 2001, and received a pair of extra-large shoes which contained
5 approximately 1,000 grams net weight of methamphetamine hydrochloride hidden in the soles.
6 He was instructed to wear these shoes through Guam Customs, go to the Marriott Hotel and book
7 a room. He was given a code name, Cheng Shou Yen, and told to give the shoes to the person
8 who came to his hotel room and identified himself by this code name.
9

10 On November 28, 2001, defendant arrived on Guam carrying the methamphetamine
11 hydrochloride ("ice") in his shoes. He booked room 706 at the Marriott hotel. Later the same
12 day, defendant met with uncover agents in his hotel room, and gave the shoes to them, knowing
13 that they contained "ice". On December 2, defendant was arrested at the airport as he attempted
14 to board the flight to Taiwan.
15

16 (d) The defendant understands that notwithstanding any agreement of the parties, the
17 United States Probation Office will make an independent application of the Sentencing
18 Guidelines. The defendant acknowledges that should there be discrepancies in the final
19 sentencing guidelines range projected by his counsel or any other person, such discrepancies are
20 not a basis to withdraw his guilty plea.
21

22 8. The defendant understands that this plea agreement depends on the fullness and
23 truthfulness of his cooperation. Therefore, defendant understands and agrees that if he should
24 fail to fulfill completely each and every one of his obligations under this plea agreement, or make
25 material omissions or intentional misstatements or engage in criminal conduct after the entry of
26 his plea agreement and before sentencing, the government will be free from its obligations under
27

1 the plea agreement. Thus defendant, in addition to standing guilty of the matters to which he has
2 pled pursuant to this agreement, shall also be fully subject to criminal prosecution for other
3 crimes, and for the counts which were to be dismissed. In any such prosecution, the prosecuting
4 authorities, whether Federal, State, or Local, shall be free to use against him, without limitation,
5 any and all information, in whatever form, that he has provided pursuant to this plea agreement
6 or otherwise; defendant shall not assert any claim under the United States Constitution, any
7 statute, Rule 11(e)(6) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules
8 of Evidence, or any other provision of law, to attempt to bar such use of the information.
9

10
11 9. Defendant understands that whether he has completely fulfilled all of the obligations
12 under this agreement shall be determined by the court in an appropriate proceeding at which any
13 disclosures and documents provided by defendant shall be admissible and at which the United
14 States shall be required to establish any breach by a preponderance of the evidence. In
15 determining whether there has been a breach, the parties agree that any polygraph results and the
16 polygrapher's conclusions and opinions shall be admissible.
17

18 10. The defendant understands that his sentencing may be continued, at the sole
19 discretion of the United States, until after the indictment and trial of any associates involved.
20 This will also enable the Court to see the full degree of the defendant's cooperation. The
21 defendant therefore waives any right he may have to any speedy sentencing and hereby agrees to
22 any continuance of his sentencing date as it may become necessary.
23

24 11. The defendant waives any right to appeal or to collaterally attack this conviction but
25 reserves the right to appeal the sentence imposed in this case. If at any time defendant's guilty
26 plea is rejected, withdrawn, vacated or reversed, the United States will be free to prosecute
27

1 defendant for all charges of which it presently has knowledge, and any charges that have been
2 dismissed will automatically be reinstated or may be presented to a grand jury with jurisdiction
3 over the matter. In such event, defendant waives any objections, motions or defenses based upon
4 the Statute of Limitations, Speedy Trial Act, or constitutional restrictions as to the time of
5 bringing such charges.
6

7 12. The defendant acknowledges that he has been advised of his rights as set forth below
8 prior to entering into this plea agreement. Specifically, defendant has been fully advised of, has
9 had sufficient opportunity to reflect upon, and understands the following:
10

11 (a) The nature and elements of the charge and the mandatory minimum penalty
12 provided by law, if any, and the maximum possible penalty provided by law;

13 (b) His right to be represented by an attorney;

14 (c) His right to plead not guilty and the right to be tried by a jury and at that trial, the
15 right to be represented by counsel, the right to confront and cross-examine witnesses against him,
16 and the right not to be compelled to incriminate himself, that is, the right not to testify;
17

18 (d) That if he pleads guilty, there will not be a further trial of any kind on the charges
19 to which such plea is entered so that by entering into this plea agreement, he waives, that is, gives
20 up, the right to a trial;

21 (e) That, upon entry of a plea of guilty, or thereafter, the Court may ask his questions
22 about the offenses to which he has pled, under oath, and that if he answers these questions under
23 oath, on the record, his answers may later be used against him in prosecution for perjury or false
24 statement if an answer is untrue;
25

26 (f) That he agrees that the plea agreement is voluntary and not a result of any force,
27 threats or promises apart from this plea agreement;

(g) The defendant is satisfied with the representation of his lawyer and feels that his lawyer has done everything possible for his defense.

DATED:

1/14/02

KUO-CHUNG WEI
Defendant

DATED:

1/14/02

JOHN GORMAN
Attorney for Defendant

FREDERICK A. BLACK
United States Attorney
Districts of Guam and NMI

DATED:

1/28/02

By:

KARON V. JOHNSON
Assistant U.S. Attorney

I hereby certify that the
annexed instrument is a
true copy of the original
on file in my office.

ATTEST: CLERK OF COURT
District Court of Guam
Territory of Guam

By: [Signature]
Deputy Clerk